IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 23221 of 2004

Between:

Dr. T. Sharon Raju S/o T. Devadanam, Flat No. C2-8, Sri Lalitha Apartments, Kirlampudi
Layyout, A.U. Out Gate Down, Visakhapatnam

..... PETITIONER

AND

1 Andhra University, Visakhaptnam, Andhra Pradesh, rep by Registrar.
2 Institute of Advanced Studies in Education Andhra University, Visakhaptnam, Andhra Pradesh, rep by Principal.
3 Department of Education, Andhra University, Visakhaptnam, Andhra Pradesh, rep by Head of the Department.
4 National Council for Teacher Education, Southern Region, 125, Infantry Road, Bangalore – 560 001, rep

by its Regional Director.
5 Government of India, through Ministry of Human Resource Development Department of Education,
Sastry Bhavan, New Delhi-110 001, rep by its Secretary.
6 Department of Education, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad,
rep by its Secretary.
7 Commissioner & Director of School Education, Saifabad, Hyderabad, Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction (i) directing the respondents 1,5,6 & 7 to take necessary measures forthwith to merge the 3rd respondent - Department into the 2nd respondent - Institute by transferring the infrastructure, manpower and faculty (Strictly on eligibility and merit criteria) to the 2nd respondent - Department and to fill up the remaining vacancies through proper selection process on permanent basis following the reservation system, (ii) and further to direct any independent agency as this Hon'ble Court deems fit to probe into the entire scandal and misappropriation in all the Universities of A.P. where this scheme was implemented and pass such other reliefs as this Hon'ble court deems just and essential in the circumstances of the case.

Counsel for the Petitioner : M/S.CLIENT & COUNSEL rep. by Dr. Devulapalli Chandrasekhar.

Counsel for the respondent Nos. 1 to 3: MR. P.B. VIJAY KUMAR.

Counsel for the respondent No.4. MR. B. ADINARAYANA RAO.

Counsel for the respondent No.5: MR. A. RAJASEKHAR REDDY, Standing Counsel.

Counsel for the Respondent Nos. 6 & 7: GP FOR HIGHER EDUCATION.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1. Before filing this writ petition, which has been termed as public interest litigation by the petitioner, petitioner did not approach the concerned Ministry making grievance that the Centrally sponsored scheme of teacher EUUC. TICR – Upgradation Department of Education of the Universities into IASE's in Andhra Pradesh – Approval of the scheme – Sanction of expenditure is not being implemented in letter and spirit as per the directives of the Government of India, Ministry of Human Resources, Department of Education, New Delhi.

2. Petitioner is seeking certain directions that writ of Mandamus be issued directing respondents 1, 5, 6 and 7 to take steps to merge 3rd respondent - Department into 2nd respondent – Institute with further direction to 2nd respondent to fill up the remaining vacancies through proper selection process and has also prayed that there is a scam and misappropriation of funds of the scheme, which must be inquired into.

3. Before approaching this Court, petitioner has not cared to approach the concerned Ministry which has sanctioned the amount of central assistance for various items of non-recurring expenditure as a part of the scheme. It is only the Ministry of Human Resources Development, Department of Education, which has only to consider the petitioner's representation to be filed, and take appropriate action thereupon. Only in the event of Human Resources Development not taking any action, the petitioner can approach this Court.

4. With leave and liberty granted to submit representation to the concerned authorities, this writ petition is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

M. NARAYANA REDDY. J.,

Dated: 21.12.2004.

VRK.

To

1 The Registrar, Andhra University, Visakhaptnam, A.P.
2 The Principal, Institute of Advanced Studies in Education, Andhra University, Visakhaptnam, A.P.
3 The Head of the Department, Department of Education, Andhra University, Visakhaptnam, Andhra Pradesh.
4 The Regional Director, National Council for Teacher Education, Southern Region, 125, Infantry Road, Bangalore – 560 001.
5 The Secretary, Government of India, through Ministry of Human Resource Development Department of Education, Sastry Bhavan, New Delhi-110 001.
6 The Secretary, Department of Education, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
7 Commissioner & Director of School Education, Saifabad, Hyderabad, Andhra Pradesh.

8. Two CCs to G.P., for Higher Education, High Court Buildings, Hyderabad (OUT).

9. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

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W.P.NO. 23221 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 21.12.2004.

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